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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,136	02/11/2004	Masao Ino	461-159	2432
23117	7590	03/29/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			HARRIS, KATRINA B	
			ART UNIT	PAPER NUMBER

3747

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,136

Applicant(s)

INO ET AL.

Examiner

Katrina B. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 5-24 is/are allowed.  
6) ☒ Claim(s) 1-4 and 25-36 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 2-11-04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/11/04, 8/27/04, 11/12/04  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 is an improper dependent claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 25-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Shozo. (JP- 06246781).

Shozo discloses, as in **claim 1**, an intake system comprising;  
a tubular portion formed of a plurality of divided primary molded members (A,B) so as to form a packing portion into which a secondary molding resin (J) can be packed at a joint between the plurality of primary molded members, a functional part (27) attached to the tubular portion and having an arm portion that is superimposed on the tubular portion, and a lock-shaped portion formed integrally from the secondary molding resin and having a trunk portion which is welded to the primary molded members forming the packing portion, a first neck portion (RA) which is formed in such a manner as to be smaller in diameter than an outside diameter of the trunk portion and which extends radially outwardly of the trunk portion so as to penetrate the primary molded members and the arm portion, and a first head portion which is connected an end of the first neck portion which is opposite to an end thereof which faces the trunk portion and which is formed in such a manner as to be larger in diameter than an outside diameter of the first neck portion. (see Figures 1-6)

Regarding **claim 2**, wherein the lock-shaped portion has a second neck portion which is formed so as to extend from the truck portion while continuing to form a predetermined angle relative to the first neck portion (Ra) and which penetrates the primary molded members and a second head portion which is connected to an end of

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the second neck portion (RB) which is opposite to an end thereof which faces the truck portion and which is formed in such a manner as to be larger in diameter than an outside diameter of the second neck portion.

Regarding **claim 3**, wherein an angle that is formed by the first neck portion and the second neck portion is generally 180.

Regarding **claim 4**, wherein the primary molded member has a first hole portion which provides a communication between the packing portion and an external portion, the arm portion has a second hole portion which can be connected to the first hole portion, and the first neck portion penetrates the first hole portion and the second hole portion.

Regarding **claim 25**, an intake system production method for producing an intake system comprising a tubular portion formed of a plurality of divided primary molded members and a functional part (27) placed on the tubular portion, wherein the functional part is joined to the tubular portion with a secondary molding resin (J) which is packed into a joint between the plurality of primary molded members.

Regarding **claim 26**, wherein the functional part is joined to the tubular portion with the secondary molding resin which is caused to overflow from the joint between the plurality of primary molded members to the outside of the tubular portion.

Regarding **claim 27**, wherein a fixture for forming a lock-shaped portion by the secondary molding resin is brought into abutment with an end of the functional part which is opposite to an end thereof which faces the tubular portion.

Regarding **claim 28**, An intake member production method for producing an intake member for supplying intake air to an internal combustion engine by joining together a plurality of resin molded bodies, the intake member production method comprising a secondary molding process in which an intermediate resin molded body is put between two outer resin molded bodies, and a molten resin is injected substantially simultaneously into a first interface which is an interface between one of the outer resin molded bodies and the intermediate resin molded body and a second interface which is an interface between the other outer resin molded body and the intermediate resin molded body so that the two outer resin molded bodies and the intermediate resin molded body are welded together.

Regarding **claim 29**, wherein in the secondary molding process, a resin flow path is formed on the first interface and the second interface by putting the intermediate resin molded body between the two outer resin molded bodies, so that the molten resin is injected into the resin flow path so formed.

Regarding **claim 30**, wherein in the secondary molding process, the resin flow path formed on the first interface is formed by a groove provided in at least one of the outer resin molded body and the intermediate resin molded body which form the first interface, and the resin flow path formed on the second interface is formed by a groove provided in at least one of the outer resin molded body and the intermediate resin molded body which form the second interface.

Regarding **claim 31**, wherein in the secondary molding process, a communicating flow path which provides a communication between the resin flow path

on the first interface and the resin flow path on the second interface is formed by a hole which penetrates the intermediate resin molded body.

Regarding **claim 32**, intake member production method as set forth comprising a positioning process for positioning the intermediate resin molded body relative to the two outer resin molded bodies by a fixture prior to the injection of the molten resin in the secondary molding process.

Regarding **claim 33**, the intake member having a plurality of bearings which support a rotational shaft of a valve member for opening and closing a passageway of intake air at a plurality of axial locations, wherein in the positioning process, a plurality of intermediate resin molded bodies such as the intermediate resin molded body which constitute the plurality of bearings are held coaxially by the fixture.

Regarding **claim 34**, wherein in the positioning process, three or more intermediate resin molded bodies such as intermediate resin molded bodies are held coaxially by the fixture.

Regarding **claim 35**, an intake manifold production method wherein an intake manifold for distributing and supplying intake air to a plurality of cylinders of an internal combustion engine is produced as the intake member

### ***Allowable Subject Matter***

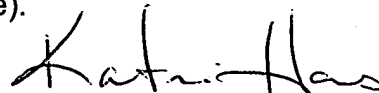
Claims 5-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Communication**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katrina B. Harris whose telephone number is 571-272-4842. The examiner can normally be reached on 6:30 AM -3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Katrina B. Harris  
Examiner  
Art Unit 3747

KBH



Willis R. Wolfe  
Primary Examiner  
Art Unit 3747